



FORM PTO-1449/A and B (modified PTO/SI 08/03)

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

APPLICATION NO.: 10/817,165

ATTY. DOCKET NO.: C1039.70048US02

FILING DATE: April 2, 2004

CONFIRMATION NO.: 1597

APPLICANT: Krieg et al.

GROUP ART UNIT: 1645

EXAMINER: Nita M. Minnifield

Sheet 1 of 16

**U.S. PATENT DOCUMENTS**

Examiner's Initials #	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or Issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	A1	5,112,605		Jardieu et al.	05-12-1992
	A2	5,498,410		Gleich	03-12-1996
	A3	5,663,153		Hutcherson et al.	09-02-1997
	A4	5,679,647		Carson et al.	10-21-1997
	A5	5,681,555		Gleich	10-28-1997
	A6	5,723,335		Hutcherson et al.	03-03-1998
	A7	5,726,160		McMichael	03-10-1998
	A8	5,804,566		Carson et al.	09-08-1998
	A9	5,849,719		Carson et al.	12-15-1998
	A10	5,908,620		Tu et al.	06-01-1999
	A11	5,955,059		Gilchrest et al.	09-21-1999
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	A13	5,994,315		Nyce et al.	11-30-1999
	A14	6,025,339		Nyce et al.	02-15-2000
	A15	6,040,296		Nyce et al.	03-21-2000
	A16	6,096,721		McMichael	08-01-2000
	A17	6,100,244		McMichael	08-08-2000
	A18	6,174,872	B1	Carson et al.	01-16-2001
	A19	6,194,388	B1	Krieg et al.	02-27-2001
	A20	6,207,646	B1	Krieg et al.	03-27-2001
	A21	6,214,806	B1	Krieg et al.	04-10-2001
	A22	6,218,371	B1	Krieg et al.	04-17-2001
	A23	6,221,882	B1	Macfarlane	04-24-2001
	A24	6,225,292	B1	Raz et al.	05-01-2001
	A25	6,239,116	B1	Krieg et al.	05-29-2001
	A26	6,339,068	B1	Krieg et al.	01-15-2002
	A27	6,399,630	B1	Macfarlane	06-04-2002
	A28	6,406,705	B1	Davis et al.	06-18-2002
	A29	6,426,336	B1	Carson et al.	07-30-2002
	A30	6,429,199	B1	Krieg et al.	08-06-2002
	A31	6,479,504	B1	Macfarlane et al.	11-12-2002
	A32	6,498,148	B1	Raz	12-24-2002

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# EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-1449/A and B (modified PTO/SB/08)  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				APPLICATION NO.: 10/817,165		ATTY. DOCKET NO.: C1039.70048US02			
				FILING DATE: April 2, 2004		CONFIRMATION NO.: 1597			
				APPLICANT: Krieg et al.					
				GROUP ART UNIT: 1645		EXAMINER: Nita M. Minnifield			
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	A33	6,514,948	B1	Raz et al.	02-04-2003
	A34	6,521,637	B2	Macfarlane	02-18-2003
	A35	6,562,798	B1	Schwartz	05-13-2003
	A36	6,589,940	B1	Raz et al.	07-08-2003
	A37	6,610,661	B1	Carson et al.	08-26-2003
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	A39	6,727,230	B1	Hutcherson et al.	04-27-2004
	A40	6,787,524	B2	Chang et al.	09-07-2004
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	A64	2003-0055014	A1	Bratzler	03-20-2003
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	A70	2003-0119773	A1	Raz et al.	06-26-2003
	A71	2003-0139364	A1	Krieg et al.	07-24-2003
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	A108	2004-0198680	A1	Krieg	10-07-2004
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	A144	2005-0182017	A1	Krieg	08-18-2005
	A145	2005-0197314	A1	Krieg et al.	09-08-2005
	A146	2005-0215500	A1	Krieg et al.	09-29-2005
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	A176	2006-0241076	A1	Uhlmann et al.	10-26-2006
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	A181	2007-0010470	A1	Krieg et al.	01-11-2007
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	A189	2007-0184465	A1	Wagner et al.	08-09-2007
	A190	2007-0202128	A1	Krieg et al.	08-30-2007

#### FOREIGN PATENT DOCUMENTS

Examiner's Initials #	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
*	B1	EP	0 468 520	A2	Mitsui Toatsu Chemicals, Inc.	01-29-1992	
	B2	WO	96/32138	A1	Milkhaus Laboratory	10-17-1996	
	B3	WO	96/40162	A1	East Carolina University	12-19-1996	
	B4	WO	98/55495	A2	Dynavax Technologies Corporation	12-10-1998	
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*	B6	WO	99/56755	A1	University of Iowa Research Foundation	11-11-1999	
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*	B8	WO	00/14217	A2	CPG Immunopharmaceuticals GMBH	03-16-2000	
*	B9	WO	00/54803	A2	Panacea Pharmaceuticals, LLC.	09-21-2000	
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	B13	WO	2004/026888	A2	Coley Pharmaceutical GMBH	04-01-2004	
	B14	WO	2004/094671	A2	Coley Pharmaceutical GMBH	11-04-2004	
	B15	WO	2006/080946	A2	Coley Pharmaceutical GMBH	08-03-2006	
	B16	WO	2007/031877	A2	Coley Pharmaceutical GMBH	03-22-2007	
	B17	WO	2007/038720	A2	Coley Pharmaceutical GMBH	04-05-2007	

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**OTHER ART — NON PATENT LITERATURE DOCUMENTS**

Examiner's Initials #	Cite No	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	C1	[No Author Listed] National Institute of Health, Publication Number 97-4051, July 1997.	
	C2	Press Release, January 2007, "Coley Pharmaceutical Group Updates Hepatitis C Drug Development Strategy".	
	C3	Press Release, June 2007, "Coley Pharmaceutical Group Announces Pfizer's Discontinuation of Clinical Trials for PF-3512676 Combined with Cytotoxic Chemotherapy in Advanced Non Small Cell Lung Cancer".	
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*	C6	BOGGS et al., Characterization and modulation of immune stimulation by modified oligonucleotides. Antisense Nucleic Acid Drug Dev. 1997 Oct;7(5):461-71.	
	C7	BROIDE et al., DNA-Based immunization for asthma. Int Arch Allergy Immunol. 1999 Feb-Apr;118(2-4):453-6.	
	C8	BROIDE et al., Immunostimulatory DNA sequences inhibit IL-5, eosinophilic inflammation, and airway hyperresponsiveness in mice. J Immunol. 1998 Dec 15;161(12):7054-62.	
	C9	BROIDE et al., Modulation of asthmatic response by immunostimulatory DNA sequences. Springer Semin Immunopathol. 2000;22(1-2):117-24.	
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*	C17	DURHAM et al., Immunotherapy and allergic inflammation. Clin Exp Allergy. 1991 Jan;21 Suppl 1:206-10.	
	C18	FORNADLEY, Allergy immunotherapy. Otolaryngol Clin North Am. 1998 Feb;31(1):111-27. Abstract Only.	
	C19	HALPERIN et al., A phase I study of the safety and immunogenicity of recombinant hepatitis B surface antigen co-administered with an immunostimulatory phosphorothioate oligonucleotide adjuvant. Vaccine. 2003 Jun 2;21(19-20):2461-7.	

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				FILING DATE: April 2, 2004	CONFIRMATION NO.: 1597
				APPLICANT: Krieg et al.	
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*	C114	Patent Interference No. 105,171. Iowa Preliminary Motion 4 (for judgment of no interference in fact). (Electronically filed, unsigned). June 7, 2004.	
*	C115	Patent Interference No. 105,171. Iowa Preliminary Motion 5 (for judgment based on lack of enablement). (Electronically filed, unsigned). June 7, 2004.	
*	C116	Patent Interference No. 105,171. Iowa Preliminary Motion 6 (for judgment based on lack of adequate written description). (Electronically filed, unsigned). June 7, 2004.	
*	C117	Patent Interference No. 105,171. Iowa Preliminary Motion 7 (motion to redefine interference to designate claims as not corresponding to the Count). (Electronically filed, unsigned). June 7, 2004.	

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*	C118	Patent Interference No. 105,171. Iowa Preliminary Motion 8 (contingent motion to redefine the Count). (Electronically filed, unsigned). June 7, 2004.	
*	C119	Patent Interference No. 105,171. Iowa Preliminary Motion 9 (motion for benefit of earlier application). (Electronically filed, unsigned). June 7, 2004.	
*	C120	Patent Interference No. 105,171. Iowa Preliminary Motion 10 (contingent motion to redefine the interference by adding a continuation application). (Electronically filed, unsigned). July 2, 2004.	
*	C121	Patent Interference No. 105,171. Regents of the University of California Opposition 3 (to Iowa Preliminary Motion 3 for judgment under 35 USC 135(b)). September 9, 2004.	
*	C122	Patent Interference No. 105,171. Regents of the University of California Opposition 4 (to Iowa Preliminary Motion 4 for judgment of no interference in fact). September 9, 2004.	
*	C123	Patent Interference No. 105,171. Regents of the University of California Opposition 5 (to Iowa Preliminary Motion 5 for judgment that UC's claim is not enabled). September 9, 2004.	
*	C124	Patent Interference No. 105,171. Regents of the University of California Opposition 6 (to Iowa Preliminary Motion 6 for judgment based on lack of adequate written description). September 9, 2004.	
*	C125	Patent Interference No. 105,171. Regents of the University of California Opposition 7 (to Iowa Preliminary Motion 7 to redefine the interference). September 9, 2004.	
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*	C127	Patent Interference No. 105,171. Regents of the University of California Response 9 (to Iowa Contingent Motion 9 for benefit). September 9, 2004.	
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*	C129	Patent Interference No. 105,171. Regents of the University of California Opposition 11 (to Iowa Contingent Motion 11 to suppress). October 15, 2004.	
*	C130	Patent Interference No. 105,171. Iowa Reply 3 (in support of Iowa Preliminary Motion 3 for judgment under 35 U.S.C. §135(b)) (Electronically filed, unsigned). October 15, 2004.	
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*	C136	Patent Interference No. 105,171. Iowa Reply 10 (in support of Iowa Preliminary Motion 10 to redefine the interference) (Electronically filed, unsigned). October 15, 2004.	
*	C137	Patent Interference No. 105,171. Iowa Reply 11 (in support of Iowa Miscellaneous Motion to suppress). (Electronically filed, unsigned). October 18, 2004.	
*	C138	Patent Interference No. 105,171. Regents of the University of California Preliminary Statement. June 7, 2004.	

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*	C139	Patent Interference No. 105,171. Regents of the University of California Preliminary Motion 1 (to designate additional claims of Iowa patent as corresponding to the Count). June 7, 2004.	
*	C140	Patent Interference No. 105,171. Regents of the University of California Preliminary Motion 2 (for judgment based on lack of written description support and introducing new matter). June 7, 2004.	
*	C141	Patent Interference No. 105,171. Regents of the University of California Preliminary Motion 3 (for judgment based on anticipation). June 7, 2004.	
*	C142	Patent Interference No. 105,171. Regents of the University of California Preliminary Motion 4 (for judgment based on obviousness). June 7, 2004.	
*	C143	Patent Interference No. 105,171. Regents of the University of California Preliminary Motion 5 (for judgment based on anticipation). June 7, 2004.	
*	C144	Patent Interference No. 105,171. Regents of the University of California Preliminary Motion 6 (for judgment based on inequitable conduct). June 7, 2004.	
*	C145	Patent Interference No. 105,171. Regents of the University of California Contingent Preliminary Motion 7 (for benefit of an earlier application under 37 CFR 1.633(j)). July 2, 2004.	
*	C146	Patent Interference No. 105,171. Regents of the University of California Contingent Preliminary Motion 8 (to add additional claims under 37 CFR 1.633(c)(2) and (i)). July 2, 2004.	
*	C147	Amended Claims for Application Number 09/265,191, filed March 10, 1999.	
*	C148	Patent Interference No. 105,171. Iowa Opposition 1 (opposition to motion to designate additional claims as corresponding to the Count) (Electronically filed, unsigned). September 9, 2004.	
*	C149	Patent Interference No. 105,171. Iowa Opposition 2 (opposition to motion for judgment based on lack of written description support and introducing new matter) (Electronically filed, unsigned). September 9, 2004.	
*	C150	Patent Interference No. 105,171. Iowa Opposition 3 (opposition to motion for judgment based on anticipation) (Electronically filed, unsigned). September 9, 2004.	
*	C151	Patent Interference No. 105,171. Iowa Opposition 4 (opposition to motion for judgment based on obviousness) (Electronically filed, unsigned). September 9, 2004.	
*	C152	Patent Interference No. 105,171. Iowa Opposition 5 (opposition to motion for judgment based on anticipation) (Electronically filed, unsigned). September 9, 2004.	
*	C153	Patent Interference No. 105,171. Iowa Opposition 6 (opposition to motion for judgment based on inequitable conduct) (Electronically filed, unsigned). September 9, 2004.	
*	C154	Patent Interference No. 105,171. Iowa Opposition 7 (opposition to motion for benefit of an earlier application under 7 CFR 1.633(j)) (Electronically filed, unsigned). September 9, 2004.	
*	C155	Patent Interference No. 105,171. Iowa Opposition 8 (opposition to motion to add additional claims under 37 CFR 1.633 (2) and (i)) (Electronically filed, unsigned). September 9, 2004.	
*	C156	Patent Interference No. 105,171. Regents of the University of California Reply 1 (to Iowa's opposition to UC's motion to designate Iowa claims as corresponding to the Count). October 15, 2004.	
*	C157	Patent Interference No. 105,171. Regents of the University of California Reply 2 (to Iowa's opposition to UC Preliminary Motion 2 for Judgment). October 15, 2004.	
*	C158	Patent Interference No. 105,171. Regents of the University of California Reply 3 (to Iowa's Opposition to UC Preliminary Motion 3 for Judgment). October 15, 2004.	
*	C159	Patent Interference No. 105,171. Regents of the University of California Reply 4 (to Iowa's Opposition to UC Preliminary Motion 4 for Judgment). October 15, 2004.	

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<b>FORM PTO-1449/A and B (modified PTO/SB/08)</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				APPLICATION NO.: 10/817,165		ATTY. DOCKET NO.: C1039.70048US02			
				FILING DATE: April 2, 2004		CONFIRMATION NO.: 1597			
				APPLICANT: Krieg et al.					
				GROUP ART UNIT: 1645		EXAMINER: Nita M. Minnifield			
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*	C160	Patent Interference No. 105,171. Regents of the University of California Reply 5 (to Iowa's Opposition to UC Preliminary Motion 5 for Judgment). October 15, 2004.	
*	C161	Patent Interference No. 105,171. Regents of the University of California Reply 6 (to Iowa's opposition to UC Preliminary Motion 6 for judgment). October 15, 2004.	
*	C162	Patent Interference No. 105,171. Regents of the University of California Reply 7 (to Iowa's Opposition to UC Preliminary Motion 7 for Benefit). October 15, 2004.	
*	C163	Patent Interference No. 105,171. Regents of the University of California Reply 8 (to Iowa's Opposition to UC Preliminary Motion 8 to add additional claims). October 15, 2004.	
*	C164	Patent Interference No. 105,171. Decision on Motion under 37 CFR §41.125. March 10, 2005.	
*	C165	Patent Interference No. 105,171. Judgment and Order. March 10, 2005.	
*	C166	Patent Interference No. 105,171. Regents of the University of California. Brief of Appellant. July 5, 2005.	
*	C167	Patent Interference No. 105,171. University of Iowa and Coley Pharmaceutical Group, Inc. Brief of Appellees. August 17, 2005.	
*	C168	Patent Interference No. 105,171. Regents of the University of California. Reply Brief of Appellant. September 6, 2005.	
*	C169	Patent Interference No. 105,171. Regents of the University of California. Decision of CAFC. July 17, 2006.	
	C170	Patent Interference No. 105,526. Krieg Substantive Motion 1 (for unpatentability based on interference estoppel). (Electronically filed, unsigned).	
	C171	Patent Interference No. 105,526.. Krieg Substantive Motion 2 (for judgment based on inadequate written description and/or enablement). (Electronically filed, unsigned). June 18, 2007.	
	C172	Patent Interference No. 105,526. Krieg Contingent Responsive Motion (to add new claims 104 and 105). (Electronically filed, unsigned). July 25, 2007.	
	C173	Patent Interference No. 105,526. Krieg Substantive Motion 3 (for judgment based on prior art). (Electronically filed, unsigned). June 18, 2007.	
	C174	Patent Interference No. 105,526. Raz Motion 1 (Unpatentability of Krieg Claims under 35 U.S.C. § 112, First Paragraph). (Electronically filed, unsigned). June 18, 2007.	
	C175	Patent Interference No. 105,526. Raz Motion 2 (Raising a Threshold Issue of No Interference-in-Fact). (Electronically filed, unsigned). June 18, 2007.	
	C176	Patent Interference No. 105,526.. Raz Motion 3 (Krieg's Claims are Unpatentable Over Prior Art Under 35 U.S.C. § 102(b)) (Electronically filed, unsigned). June 18, 2007.	
	C177	Patent Interference No. 105,526. Raz Motion 4 (To Designate Krieg Claims 46 and 82-84 as Corresponding to Count 1). (Electronically filed, unsigned). June 18, 2007.	
	C178	Patent Interference No. 105,526. Raz Responsive Miscellaneous Motion 5 (To revive the Raz Parent Application) (Electronically filed, unsigned) July 25, 2007.	
	C179	Patent Interference No. 105,526. Raz Contingent Responsive Motion 6 (To Add a New Claim 58) (Electronically filed, unsigned) July 25, 2007.	
	C180	Patent Interference No. 105,526. Krieg Opposition 1 (Opposition to Motion for Lack of Enablement and Written Description) (Electronically filed, unsigned) September 10, 2007.	
	C181	Patent Interference No. 105,526. Krieg Opposition 2 (to Raz Motion 2) (Electronically filed, unsigned) September 10, 2007.	
	C182	Patent Interference No. 105,526. Krieg Opposition 3 (To Raz Motion 3) (Electronically filed, unsigned) September 10, 2007.	

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FORM PTO-1449/A and B (modified PTO/SB/08)  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				APPLICATION NO.: 10/817,165	ATTY. DOCKET NO.: C1039.70048US02
				FILING DATE: April 2, 2004	CONFIRMATION NO.: 1597
				APPLICANT: Krieg et al.	
				GROUP ART UNIT: 1645	EXAMINER: Nita M. Minnifield
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	C183	Patent Interference No. 105,526. Krieg Opposition 4 (Opposition to Motion for Designating Claims 46 and 82-84 as Corresponding to the Court) (Electronically filed, unsigned) September 10, 2007.	
	C184	Patent Interference No. 105,526. Raz Opposition 1 (Opposing Krieg Substantive Motion 1) (Electronically filed, unsigned) September 10, 2007.	
	C185	Patent Interference No. 105,526. Raz Opposition 2 (Opposing Krieg Substantive Motion 2) (Electronically filed, unsigned) September 10, 2007.	
	C186	Patent Interference No. 105,526. Raz Opposition 4 (Opposing Krieg Contingent Responsive Motion to Add New Claims 104 and 105) (Electronically filed, unsigned) September 10, 2007.	
	C187	Patent Interference No. 105,526. Krieg Reply 1 (Reply to Raz opposition 1) October 5, 2007	
	C188	Patent Interference No. 105,526. Krieg Reply 2 (Reply to Raz opposition 2) October 5, 2007	
	C189	Patent Interference No. 105,526. Krieg Reply 4 (Reply to Raz opposition 4) October 5, 2007	
	C190	Patent Interference No. 105,526. Raz Reply 1 (Reply to Krieg opposition 1) October 5, 2007	
	C191	Patent Interference No. 105,526. Raz Reply 2 (Reply to Krieg opposition 2) October 5, 2007	
	C192	Patent Interference No. 105,526. Raz Reply 3 (Reply to Krieg opposition 3) October 5, 2007	
	C193	Patent Interference No. 105,526. Raz Reply 4 (Reply to Krieg opposition 4) October 5, 2007	
	C194	Patent Interference No. 105,526. Raz Reply 6 (Reply to Krieg opposition 6) October 5, 2007	

\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. 09/818, 918, filed March 27, 2001, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

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